



HOUSE OF COMMONS

HOUSE OF COMMONS

ORAL EVIDENCE

Taken before the

UNOPPOSED BILL COMMITTEE

on the

CHELTENHAM BOROUGH COUNCIL (MARKETS) BILL

Tuesday 24 March 2026

A video of the proceedings can be found [here](#).

Before:

The Chairman of Ways and Means (Ms Nusrat Ghani) (Chair)

Stuart Anderson MP

Edward Argar MP

Neil Duncan-Jordan MP

Chris Vince MP

EMYR THOMAS, of Sharpe Pritchard LLP, appeared as Parliamentary Agent.

LOUIS KROG and **SARAH FAROOQI**, of Cheltenham Borough Council, appeared on behalf of the Promoter.

Exhibits referred to by the promoter during the hearing can be found [here](#).

JUSTIN LESLIE, Counsel for Domestic Legislation, was in attendance.



Ordered at 1.44 pm: that Counsel and Parties be called in.

- 1 **CHAIR:** Good afternoon. My name is Nusrat Ghani. I am the Chairman of Ways and Means, and I am chairing today's Unopposed Bill Committee. With me on the Committee today are Stuart Anderson, Edward Argar, Neil Duncan-Jordan and Chris Vince. We are here to consider the Cheltenham Borough Council (Markets) Bill, which was deposited in November 2025 and introduced in the House of Commons in January 2026. It received its Second Reading in February and, as no petitions were received against it, the next stage of proceedings is today's Unopposed Bill Committee.
- 2 The Promoter of the Bill, Cheltenham borough council, is represented here by Emyr Thomas of Sharpe Pritchard LLP, the parliamentary agent for the Promoter. He is accompanied by witnesses on behalf of the Promoter. Will everyone please introduce themselves for the record? Emyr, could you start?
- 3 **EMYR THOMAS:** My name is Emyr Thomas. I am the agent for the Bill from Sharpe Pritchard solicitors.
- 4 **LOUIS KROG:** Good afternoon, Committee. My name is Louis Krog. I am head of public protection for Cheltenham borough council.
- 5 **SARAH FAROOQI:** Good afternoon. I am Sarah Farooqi. I am the head of law for litigation and planning at One Legal, which is the shared legal services for Gloucestershire, including Cheltenham borough council.
- 6 **CHAIR:** We will first hear from Mr Thomas, who will make representations in support of the Bill on behalf of the Promoter. Members of the Committee may ask questions at any time, if they indicate to me that they wish to. The Promoter's evidence bundle will be updated to the Parliament website after this session. I will now hand over to Mr Thomas. The floor is yours.
- 7 **EMYR THOMAS:** In brief, this Bill provides for the repeal of a 19th-century statutory prohibition against the holding of markets on the streets of Cheltenham, as set out in the Cheltenham Improvement Act 1852. The Bill also includes enforcement powers arising from the new regime, which could apply post repeal.
- 8 The council's bundle of supporting evidence is on the screen in front of you, and there are hard copies available as well. We are going to be looking at certain of those documents shortly. This afternoon, I propose to do four things. First, I will provide background information about the problem caused by the statutory prohibition I mentioned a moment ago. Second, I will describe the council's solution to deal with the problem.



Third, I will summarise the Bill's provisions and explain why they are needed. Fourth, I will touch on the support enjoyed by the Bill.

- 9 First, I will present some background information about the problem caused by the statutory prohibition. I will begin with the legislative background. It might be best if you turn to page 45 of your hard-copy bundles, because I have marked the relevant text that we are going to look at. On that page, we can identify, at section 83, the difficulty that the statutory prohibition was designed to deal with. Section 83 refers to "Fairs, Markets, Mops, and Hirings" being held in the high street of Cheltenham—at that time, it was used by vehicles—that were causing "a great Nuisance, Obstruction, and Inconvenience" to those places, the inhabitants of those places and the public in general. Owing to that, it was considered expedient that the nuisance should be prevented and removed from the "Streets and Places" of Cheltenham. Section 83 goes on to state that "no Person shall hold any Fair, Market, Mop, or Hiring in, upon, or about the High Street or any other Street within the Borough".
- 10 **CHRIS VINCE:** Can you clarify something? You said that at that time, it was used for vehicles. It is a long time since I have been to Cheltenham. Are you telling me that that area is now pedestrianised?
- 11 **EMYR THOMAS:** Most of it is pedestrianised, yes. An effect of section 83 is to prohibit markets on streets within the borough. Under section 83, it is also an offence to contravene that prohibition. Any person operating a market stall on the highway in Cheltenham will be committing a criminal offence under section 83. There was a problem in the 1850s, and the 1852 Act dealt with it.
- 12 The position in Cheltenham today, however, has changed, and the council is keen for legislation to catch up with life in the 21st century. For example, large parts of Cheltenham High Street, along with the Promenade and other roads off the High Street, are now pedestrianised, except when deliveries and collections take place at certain allocated times. That presents a substantially different use of the town centre from what has happening in the mid-1850s, with the harm and nuisance that the 1852 Act sought to address.
- 13 Today, those pedestrianised areas are extensively used for street trading. Page 105 of the hard copy of the bundle shows the three main street trading locations in Cheltenham: the Promenade, Montpellier and the Suffolks. The maps on the following three pages show each of those three locations respectively in more detail. The examples of street trading set out on page 6 of the bundle are referred to colloquially as "markets" but, owing to the statutory prohibition, that is not correct.
- 14 In any event, street trading plays an important role in the cultural life of Cheltenham, making a substantial contribution to its economic growth, helping to drive footfall to the high street and elsewhere, and benefiting the town's general wellbeing. Examples of what that looks like in practice are set out on page 109 of the bundle onwards.
- 15 Because of the prohibition under section 83, and because it remains in force, the council authorises street trading pursuant to powers under



HOUSE OF COMMONS

schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. While the 1982 Act is helpful in that it allows street trading on the streets of Cheltenham, it is administratively burdensome for the council. For example, relying on the 1982 Act means that each trader must obtain a separate street trading consent from the council. Ordinarily, if you are authorising a market outside of Cheltenham, a single market licence is sufficient.

- 16 As you can imagine, that places a significant administrative burden on the council's licensing section of four officers, and the burden has increased significantly in recent years. For example, in 2017, 12 consents were issued, but more than 300 were issued in 2021, 2022 and 2025, and more than 400 were issued in 2024.
- 17 **EDWARD ARGAR:** On that burden, I can appreciate the significant increase numerically, but what is the cost charged to an applicant for a street trading consent, and what is the assessment of the cost to CBC of doing the admin to provide that? Is it cost neutral? Does the council effectively charge full cost recovery? Or what is the differential in terms of what you are losing on each application?
- 18 **LOUIS KROG:** Under the alternative licensing arrangements, where we license stores individually, the authority has taken the view that we could not reach a cost-neutral position, because that would effectively make markets financially unsustainable. We adopt fees for individual street traders, and those are based on the normal street trader—the flower seller and so on. That is not adaptable to the way that we license markets; it would make markets too expensive.
- 19 Street trading consent for our prime locations could fetch up to £4,000 annually, so the authority has taken the view that we would absorb those costs, which at the moment puts a cost burden on the authority to subsidise the regime to allow markets to continue to operate. We do not charge individual stallholders in the same way that we would do under the normal street trading regime for individual traders.
- 20 **EDWARD ARGAR:** What is the cost differential—the subsidy, as it were—in numerical terms, using the 1982 workaround, for want of a better way of putting it, versus what you would expect it to be were section 82 repealed and you were able to use the 1984 Act?
- 21 **LOUIS KROG:** It is effectively about £400 a day for a market, whereas normal street trading is about £4,000, like I say, so it is quite a significant difference in cost that we are subsidising at the moment.
- 22 **CHAIR:** The subsidy will drop from £4,000 to £400.
- 23 **LOUIS KROG:** If we are back in a position where we are licensing individual markets as one single consent per market, our fees would be on a cost-neutral basis, and that would probably be around £400 per market per day.
- 24 **EDWARD ARGAR:** What would this save Cheltenham borough council taxpayers, as an annual budgetary saving?
- 25 **LOUIS KROG:** At the moment, it is probably about £3,500 per market per



- year. I think there is a list of markets in your bundle.
- 26 **EDWARD ARGAR:** Some are annual—the Christmas one, for example—some a twice yearly, and some are much more regular.
- 27 **LOUIS KROG:** Market operators tend to apply annually for consent, to save the administrative burden of having to apply for consent every time they have a market. Most of the markets that are on that list have an annual consent. For example, the Montpellier street market only has markets three times a year, so we will give an annual consent, but we will work out the fee to only apply when they have market days, on the agreed rates.
- 28 **NEIL DUNCAN-JORDAN:** Could you talk me through what the administrative burden the council operates looks like? I assume that if I am a trader, I make an online application or even one by post. It would then arrive in your office. Could you talk me through the process that then occurs and how long it takes?
- 29 **LOUIS KROG:** The market operator effectively acts as the co-ordinator for their traders. They collate all the information, including names, addresses, national insurance numbers, details of assistance, details of the goods they will be selling, and insurance details. All of that comes into the council and needs to be put on the system individually. For example, the Suffolks street market is 60 entries on our case management system, because we end up sending 60 different consents out to 60 different individuals. When it arrives in the system, we go out for consultation. There is 28 days' consultation, when anybody could raise an objection. If objections are raised, they are referred to the licensing committee, so that is a further 20 working days from the end of the consultation, when the licensing committee will be convened to hear the objections and then make a determination on them.
- 30 Once either the process runs unopposed or the committee decision-making process is done, we then need to process 60 different consents on the system. These days, of course, they are emailed out. Then, assuming there are no changes, that will be it. But market operators often come to us and say, "Somebody dropped out," or, "Somebody wants to change details." Then, some of that process—not the consultation, but some of the administrative process—will need to be rerun on the system so we can withdraw one consent and issue another if there are last-minute changes to traders on the stalls.
- 31 **NEIL DUNCAN-JORDAN:** As I understand it from the way you have explained it, someone else collates the 60 names and details, and sends them to you, so that when you receive them, you already have the full list. You are not individually fishing for people to come forward; it is all provided to you, almost centrally, by somebody else. Is that right?
- 32 **LOUIS KROG:** It is normally co-ordinated by the market operator, for practical reasons.
- 33 **NEIL DUNCAN-JORDAN:** So the council's role is then to input the 60 bits of data—names, addresses, emails, phone numbers, that sort of thing. Is that right?



HOUSE OF COMMONS

- 34 **LOUIS KROG:** Although we have an online street trading forum, the practicalities of this mean that 60 different people do not apply online; it is an administrative process of keying things in manually.
- 35 **NEIL DUNCAN-JORDAN:** Some of those people would be returners, so you already know some of them; they would already be on your records from previous applications. Is that right?
- 36 **LOUIS KROG:** Yes. That would require us to pull through 60 different records and renew 60 different records individually the following year, potentially.
- 37 **NEIL DUNCAN-JORDAN:** In terms of the time it takes to process, which was my original question, you did not actually say how long that is. You said that you go out for consultation and have to wait 20 days, and so on, but I am interested in how long it takes you to process 60 applications that come in on a central list given to you by somebody else.
- 38 **LOUIS KROG:** We estimate that, if it is an unopposed application, it takes about half an hour to an hour per individual application, depending on the number of changes and on whether we get all the information up front and it is correct, or we need to go back, check information or get more. If it needs to go to a committee hearing, that can take up to two and a half hours per application, because the committee process is much more involved and much longer. A committee hearing can take three or four hours. We estimate that those are the timings.
- 39 **STUART ANDERSON:** What is the total revenue, on average per year, that you have had from the markets over the past few years?
- 40 **LOUIS KROG:** I do not know, because we just have a street trading budget, and the fees go to the central street trading pots. Unfortunately, I do not know what we are getting, when it is broken down to the markets, as opposed to other street trading consents, but I would say that it probably accounts for 70% of our street trading income. I would say that is around £45,000 to £50,000 in total, and 70% of that, roughly, is income derived from street trading consents for markets.
- 41 **STUART ANDERSON:** Are the events in the bundle all the ones you have?
- 42 **LOUIS KROG:** All the markets, yes.
- 43 **STUART ANDERSON:** So that is 390 stalls, at an average, as you said, of 195 to 390 hours of work, and you get about £40,000 in revenue for those 390 hours—worst-case scenario.
- 44 **LOUIS KROG:** That is approximately, yes. The burden is then picked up by the authority.
- 45 **CHRIS VINCE:** The 1852 Act mentions, “Nuisance, Obstruction, and Inconvenience to such Streets and Places”. You touched on the pedestrianisation of the town centre, and I would respectfully suggest that in 1852 traffic congestion probably was not a huge problem anyway. The answer is probably quite a long list, and I appreciate that, but what has changed since the statutory prohibition was put in place in 1852? It may be physical geography or the impact of the Food Act 1984, but what has



HOUSE OF COMMONS

changed that will ensure that, if we remove this piece of legislation, we will not have the same problem?

46 **CHAIR:** Mr Thomas?

47 **CHRIS VINCE:** It could be a very long answer.

48 **EMYR THOMAS:** I am just looking at the—

49 **CHAIR:** Mr Vince has gone through it in detail.

50 **EMYR THOMAS:** In section 83, there was obviously a problem with fairs, markets, mops and hirings. People were literally bringing their mops and brushes to the middle of Cheltenham to demonstrate the skills they had to offer; people were turning up and standing in the streets hawking for jobs, I suppose. It was considered a sufficiently serious problem that the commissioners, who were the council of Cheltenham, came to Parliament to demand a power to prohibit it from taking place. The words used are quite clear: “great Nuisance, Obstruction, and Inconvenience”.

51 Unfortunately, we do not have the papers that were presented to the 1852 Committee, but we can just imagine what this would have looked like. It would have been a thoroughfare of horses and carts that were blocked by people at those times. People would be trying to go about their business, but the horses and carts were obstructed by the unofficial fairs and markets, mops and hirings.

52 There is a power elsewhere in the Act to have markets off the streets in Cheltenham, so it was not a case of eradicating markets completely. There is an allowance in there for a market to take place off the streets. It is just that there was something here that was so significant that they did not want it on the street.

53 **CHRIS VINCE:** Now that they have pedestrianised it, whether it is cars, as we know it, or horses and carts, that would now be off the street because it is not a street in the traditional sense; it is a pedestrianised area.

54 **EMYR THOMAS:** Well, it would still be a highway, wouldn't it, even though it is pedestrianised? We know that the problem does not exist, because the council has been, for quite some time, using its powers under the 1982 Act to effectively have “markets”. Things would not look any different; it is just that the administration would be different. The reason we know that the problem is not there any more is that the problem is not there any more. Mr Krog can speak to that, if necessary.

55 **CHAIR:** We have a question from Mr Anderson, but then we must let Mr Thomas continue.

56 **STUART ANDERSON:** What would be the change in the process for a stallholder if this is successful?

57 **EMYR THOMAS:** You have anticipated the next slide. Let's move on to that.

58 **CHAIR:** Let Mr Thomas continue with the slides.

59 **EMYR THOMAS:** That completes the first section, but I think that another



HOUSE OF COMMONS

point to make is that, as well as the administrative burden on the council, there is obviously the administrative burden on each individual who fills in the form for a consent, and that would also be different under the new regime.

- 60 I said that my second point was the solution. The solution is the repeal of section 83. Once it was repealed, the council would be in the same position as most other borough councils in England, in that it would be able to rely on the powers under Part III of the Food Act 1984, which provides the modern statutory framework for the establishment and operation of markets. Owing to the statutory prohibition, the council cannot rely on Part III.
- 61 Part III is set out in tab 4 of the bundle. It includes several important provisions. For example, section 50 allows a borough council such as Cheltenham to establish a market within its area. Section 52 includes powers to appoint market days and hours. Section 53 allows the authority to demand charges in respect of the market. Section 60 allows the authority to make byelaws.
- 62 Those byelaws can do four things. They can regulate the use of the marketplace and the buildings—the stalls, the pens, the standings in that marketplace. They can prevent nuisance or obstructions in the marketplace. They can regulate the operation of porters, although I cannot imagine that being an issue for Cheltenham. After the fire and rescue authority has been consulted, they can provide for preventing the spread of fires in the market.
- 63 Instead of having to consent each of those individuals under the '82 regime, under the Food Act a single licence would be able to be granted to the market operator. The market operator would then deal with individuals. The level of information that must be provided under the Food Act by the individuals is less than must be provided under the 1982 Act. That is more straightforward for the operator, more straightforward for the individual and clearly more straightforward for the council.
- 64 That would then put the council in the same position as most other—not every other, but most other—borough councils in England that operate Food Act markets. That means they would operate under the Food Act, which gained Royal Assent in 1984.
- 65 **STUART ANDERSON:** Would there be a reduction to the stallholders if this was successful, because of the lower administrative burden?
- 66 **EMYR THOMAS:** What do you mean by a reduction to the stallholders?
- 67 **STUART ANDERSON:** What they pay per year.
- 68 **LOUIS KROG:** Yes, because we would charge a single market fee that the market operator would pay. The cost will not fall on the trader. We will go back to where we were in 2016-17. We will be issuing a single consent and that will be on a cost-neutral basis, so the cost should come down.
- 69 **CHAIR:** Mr Krog, that opens a can of worms. If I am organising the market, so if Suffolks street market is my brand, and I am then collecting the licences or representations of those who will have individual markets,



HOUSE OF COMMONS

what guarantees do you have that I will not be exceeding the cost-neutral fee per person who comes to me to be part of my market?

70 **LOUIS KROG:** You mean the relationship between the traders and the operators?

71 **CHAIR:** Yes.

72 **LOUIS KROG:** The operators are very good. The operators within Cheltenham, such as Cotswold Markets, for example, are very experienced; they have been operating markets for as long as I have been at the council—17 or 18 years. Their relationships with individual market traders are very good and they get return traders at the markets, year on year.

73 We are confident that the relationship between the traders and the market operators is such that it is favourable for both parties, otherwise those traders would not come back and work for the same operator under that agreement.

74 **CHAIR:** On the Suffolks street market, regardless of what I am selling, what is the average income I would make on a day in Cheltenham?

75 **LOUIS KROG:** I don't know how much the street traders make from the markets. We do not gather that information or collect that information.

76 **CHAIR:** Obviously, they make enough to keep coming back, but I just wondered. Mr Thomas, please continue your presentation.

77 **EMYR THOMAS:** I want to make a third point and summarise the Bill's provisions. This is set out in tab 6 on page 101. Clause 1 gives the title of the Bill and provides the day on which, if enacted, it comes into force. Clause 2 defines certain expressions used in the Bill. Clause 3 would repeal section 83.

78 If the council subsequently chooses to make byelaws under the Food Act, and those are confirmed by the Secretary of State, clause 4 provides a power to issue a fixed penalty notice for a breach of the byelaws. Subsections (3) to (5) set out the requirements as to the content and method of service of a fixed penalty notice, and subsection (6) provides that no proceedings may be taken within 14 days of a fixed penalty notice being issued, and that the person cannot be convicted of an offence if the penalty is paid before the end of that period. That provision is precedent in section 8 of the Norwich Livestock Market Act 2025, which the Committee will no doubt recall.

79 **EDWARD ARGAR:** I have two questions, on the fixed penalties and the levels. First, clause 4(5) states: "Where a fixed penalty notice is issued by post, it is deemed to have been issued to the person to whom it relates on the second business day after it was posted." My question is in light of issues that I suspect everyone in this Committee Room will be familiar with over recent weeks and months—the suggestion that Royal Mail and postal deliveries are being significantly delayed, or held back for a week or whatever. How could subsection (5) be interpreted as reasonable without the guarantee of, say, being sent recorded delivery and therefore known, rather than just being sent through the normal post? Examples of that



HOUSE OF COMMONS

issue have been raised in recent parliamentary proceedings and elsewhere, of people not receiving things.

80 **STUART ANDERSON:** My debate.

81 **EDWARD ARGAR:** Your debate, yes. My second point is unrelated, but linked to the fees thing, so I will ask it at the same time—feel free to answer them together. That point is about the level 1 versus level 3 fine. Level 1 is for an offence and level 3 is for failing to provide personal contact information, for want of a better way of putting it. Why has it been decided to set those fine levels as two different levels for the two individual offences, for want of a better way of putting it?

82 **EMYR THOMAS:** I will deal with the second point first, on the levels. These provisions are identical to those that were included in the Norwich Livestock Market Act. The fee levels are also identical to those in that Act. That Act is included in the bundle, at tab 5. Level 1 is £200 and is a very low level. Ideally, I think, a higher level would be included. However, the Food Act 1984, under which the byelaws would be made, is something that is called a “Special Act” for the purposes of the Markets and Fairs Clauses Act 1847. Since it is a Special Act, the provisions in respect of byelaws in that 1847 Act apply to byelaws made under the Food Act. Basically, the level in this clause is consistent with—

83 **EDWARD ARGAR:** Essentially, it goes back to the parent Act—

84 **EMYR THOMAS:** The 1847 Act says that it cannot be more than level 1 for that offence.

85 **EDWARD ARGAR:** And on the other point about fines or FPNs being issued by post with the assumption that, two days after being posted, they have been received?

86 **EMYR THOMAS:** Again, that is a heavily precedented position under countless Acts and, I think, under “The White Book”, which covers civil litigation. If you are going to issue court proceedings, a claim form or something, and you have to send it by post, the same deeming provision would apply. I think that is the standard deeming provision for when something lands on someone’s doormat.

87 **EDWARD ARGAR:** Briefly, if I may crave your indulgence one more time, Madam Deputy Speaker, what if representations were made that—in the light of particular issues at a particular sorting office, or with particular deliveries—something was not received within a reasonable time, and that it was delayed? If that individual can make a credible case for that, does CBC have the discretionary power to waive an FPN or enforcement action against them, if so persuaded?

88 **EMYR THOMAS:** Sorry, in what circumstances—

89 **EDWARD ARGAR:** If the recipient receives something four weeks later and can say, “Well, I only got it four weeks later, so I want to be treated as if that was within the 14 days”, and that individual can evidence, to a degree, with reasonable doubt, or whatever, that it was not received until four weeks later, does CBC have the power to exercise its discretion in saying, “Okay, fine, we will treat it as if it was within the original two



weeks”?

- 90 **EMYR THOMAS:** CBC would have to act reasonably in respect of any representation that it received concerning any fixed penalty notice. If the case was made on those terms, and in a reasonable way, CBC would certainly have the power to exercise a discretion. I cannot guarantee that it would do so in every circumstance on what comes through the post, but if a reasonable case was made, I would expect a discretion to be exercised, because you are dealing with a reasonable public body.
- 91 **CHAIR:** Ms Farooqi and Mr Krog, you are nodding—I assume that you agree with Mr Thomas. I think that issue was highlighted because Mr Anderson recently held a debate in Westminster Hall, where Royal Mail—Mr Anderson, you can speak for yourself.
- 92 **STUART ANDERSON:** I held a Westminster Hall debate on the delayed services of Royal Mail. I had over 500 incidents in about a five or six-week period. I met Royal Mail on Friday, and it is at 70% capacity in the WV15 and WV16 postcodes. What I found out is that it is not just me, and I believe that the head of Royal Mail is in Parliament today. There is a dramatic delay, and I am writing to that many different hospitals and GP practices to get people back on waiting lists, because they have been waiting over a month to receive their mail.
- 93 **EMYR THOMAS:** In these circumstances, and being aware of the issue that you have just raised, if a representation were made in the terms described, I would be astonished if the council did not exercise its discretion.
- 94 **NEIL DUNCAN-JORDAN:** Can I go back to the fixed penalty notice and the enforcement thereof under clause 2(a) and (b)? Let’s say it is a Saturday and there is a market on. Who is it that goes around to check that those individuals are authorised to be there? I do not believe that it will be a constable, as it says in clause 2(b).
- 95 **EMYR THOMAS:** It is the authorised person, isn’t it?
- 96 **NEIL DUNCAN-JORDAN:** Indeed, and they are listed as one of those, but who would that actually be in real terms?
- 97 **EMYR THOMAS:** Let’s look at clause 2(b).
- 98 **NEIL DUNCAN-JORDAN:** It says, “a constable, a Police Community Support Officer, a person accredited under section 41...of the Police Reform Act 2002, or a traffic officer”. Who would carry out the check?
- 99 **EMYR THOMAS:** Any one of those.
- 100 **NEIL DUNCAN-JORDAN:** But in real terms, who would actually do it? I am not talking about what it says on paper.
- 101 **CHAIR:** We just have some concern that it would be an actual constable. We are all constituency MPs, and we see the pressure that our police forces are under. You may tell us that that is true.
- 102 **EMYR THOMAS:** Well, this is not demanding that the police do anything; it just gives them the power to do this, if it is considered necessary. If there is a persistent issue at the market, it might be a case where a call



HOUSE OF COMMONS

has to be made—who knows? In those circumstances, the police can exercise that power under clause 4. If we look at the first limb of the definition of “authorised person”, at the bottom of page 101 it says, “a person acting in the course of that person’s duties who is authorised by the Council”. In effect, it is perhaps more likely that it would be a person falling under the first limb rather than the second.

103 **CHAIR:** You mean a council official.

104 **EMYR THOMAS:** An officer of the council—yes, absolutely.

105 **CHAIR:** Yes, who is overseeing the market.

106 **EMYR THOMAS:** Again, this provision is preceded in the Norwich Act, although the second limb of this provision is much reduced from the types of authorised persons set out in section 2(b) of the Norwich Act. Having discussed the equivalent paragraph with the team, we considered these to be reasonable, and that we did not need the several others mentioned in the Norwich Act.

107 **NEIL DUNCAN-JORDAN:** Can I just be absolutely clear about this? A council official will go out to check on the day of the market, to make sure that everybody there should be there, and that they have authorisation to be there. Is that a correct understanding?

108 **LOUIS KROG:** The reality is that it will be a licensing officer, a council licensing enforcement officer or an environmental health officer.

109 **NEIL DUNCAN-JORDAN:** So it will be an official.

110 **LOUIS KROG:** That is right, yes.

111 **NEIL DUNCAN-JORDAN:** And that will not change? That happens now, and it would still happen under the new regime.

112 **LOUIS KROG:** That is correct.

113 **STUART ANDERSON:** For the 390 stalls, is it one person who inputs the data?

114 **LOUIS KROG:** No. We are a small licensing team, so it could be whoever deals with the case. With this volume of work, the whole team is likely to be roped in to do the administrative work. It is a generalist licensing team.

115 **STUART ANDERSON:** Do you have a cost of the expenditure, or what it costs to run the licensing team per year?

116 **LOUIS KROG:** For the whole licensing team, yes.

117 **STUART ANDERSON:** What is that?

118 **LOUIS KROG:** The salaries budget is probably in the region of about £480,000 for the whole of the small licensing team, but that includes the whole range of licensing activities, not just street trading.

119 **STUART ANDERSON:** What per cent of that is street trading?

120 **LOUIS KROG:** Probably about 30%.

121 **CHAIR:** Mr Thomas, continue with your presentation.



HOUSE OF COMMONS

- 122 **EMYR THOMAS:** I will move along. On the screen, you can see that in the equivalent provision for Norwich, there are more mentions of authorised persons, but we did not consider each of those necessary for this Bill.
- 123 I will move on to clause 5, which enables an authorised person to require a person suspected of acting in breach of the byelaws to give their name and address so that enforcement action may be taken against them. As with clause 4, this provision is considered necessary to ensure an effective enforcement regime under the Bill, assuming that byelaws are made.
- 124 My fourth point concerns support for the Bill. You will not be surprised to hear that the Bill is supported by officers and members, and the latter have twice voted overwhelmingly in support of the Bill. No petitions have been deposited against it. Last summer, the council consulted on its proposals to promote a Bill and on markets in Cheltenham more generally. Of the 91 persons who responded to the question, 77% confirmed they were in favour of repealing the statutory prohibition, and 81% confirmed they were in favour of adopting new byelaws for the better management of markets.
- 125 Gloucestershire county council is the local highway authority, and they said in response to the consultation that they supported the general principle of the most appropriate legislation for modern market good practice. Once the Bill was deposited, I wrote to them, enclosing a copy of the Bill, and asked if they had any concerns—they had none. Similarly, Tewkesbury council—another neighbouring authority—have confirmed to Mr Krog and Ms Farooqi that they are content with the Bill. Likewise, the existing traders are content with it.
- 126 None of that is surprising to the council, because, apart from the administrative improvements arising from the repeal of the statutory prohibition, the council does not expect the position in respect of the location or extent of markets to change significantly from that set out on page 6 of the bundle.
- 127 In conclusion, the Bill is essentially a tidying-up Bill. It seeks to repeal a provision that has served its purpose and whose existence compromises the council's ability to establish and operate markets in its area in the most efficient way. Thank you for your attention.
- 128 **CHAIR:** Thank you, Mr Thomas. I have two quick questions. How will I be alerted to the fact that I may be in contravention and will have to be charged with a fixed penalty notice? How will you promote that?
- 129 **EMYR THOMAS:** How will you be made aware of it? I imagine there would be some signage, potentially in the market area. If you did commit an offence, you would obviously receive a notice in the usual way.
- 130 **LOUIS KROG** *indicated assent.*
- 131 **CHAIR:** I see that Ms Farooqi is advising Mr Krog—I am not sure whether she wants to add some more texture.
- 132 **SARAH FAROOQI:** It would just be that when we go out to procure markets, we would normally obviously inform the market operators. We will also have to go through a consultation process and a committee report



HOUSE OF COMMONS

to our own council when we are in a position, if we are, to implement the byelaws and the fixed penalties. There will be a normal notification through that process as well.

- 133 **EMYR THOMAS:** Also, of course, the byelaws would have to be made. There is a process for making the byelaws. There is a template set of byelaws that the MHCLG produced in 2018. The council makes the byelaws, and then the Secretary of State would have to be satisfied with them and then confirm them. There is quite a process to get to before you arrive there—lots of checks and balances.
- 134 **CHAIR:** Wonderful. If there are no further questions, we will bring this bit to a conclusion. I will ask the parties to leave the room while we deliberate in private. Thank you.

The Committee deliberated in private from 2.24 pm to 2.32 pm.

- 135 **CHAIR:** Thank you for your patience while we considered what we have heard this afternoon. We raised many questions, and thank you so much, Mr Thomas, Mr Krog and Ms Farooqi for answering those. We would have expected more detail on the financial and administrative burden of the current system on the council and the extent to which the Bill would address that. However, we are content for the Bill to proceed. We hope that the council give these matters due consideration as it proceeds. I therefore invite Mr Thomas to conduct the proving of the preamble.

LOUIS KROG, Sworn previously

Examined by EMYR THOMAS

- 136 **EMYR THOMAS:** Are you Louis Krog?
- 137 **(Louis Krog):** I am.
- 138 **EMYR THOMAS:** Are you the head of public protection at Cheltenham borough council?
- 139 **(Louis Krog):** I am.
- 140 **EMYR THOMAS:** Are you the officer responsible for the promotion of this Bill?
- 141 **(Louis Krog):** I am.
- 142 **EMYR THOMAS:** Have you read the preamble?
- 143 **(Louis Krog):** I have.
- 144 **EMYR THOMAS:** Is it true?
- 145 **(Louis Krog):** It is true.



HOUSE OF COMMONS

146 **EMYR THOMAS:** Thank you very much.

The witness withdrew.

147 **CHAIR:** Thank you. We have now concluded our business for today.

The Committee adjourned at 2.34 pm.